

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

IN RE:)
)
THREE RIVERS OF RUTHERFORD, LLC,) Case No. 309-07306
) Chapter 11
Debtor.) Judge Marian F. Harrison

**RESPONSE TO MOTION FOR RELIEF FROM STAY FILED BY NEW SOUTH
FEDERAL SAVINGS BANK**

RESPONSE DATE: SEPTEMBER 8, 2009

HEARING DATE: SEPTEMBER 15, 2009

Comes the Debtor, Three Rivers of Rutherford, LLC (“Respondent”) and for response to the motion for relief from stay filed by New South Federal Savings Bank (“Movant”) states as follows.

1. Paragraph 1 of the motion is admitted.
2. Paragraph 2 of the motion is admitted.
3. Paragraph 3 of the motion is admitted.
4. Paragraph 4 of the motion is admitted.
5. Paragraph 5 of the motion is admitted.
6. Paragraph 6 of the motion is admitted.
7. Paragraph 7 of the motion is admitted.
8. Respondent admits the first sentence of paragraph 8, but denies the remainder of the paragraph.
 9. Paragraph 9 of the motion is denied under the facts of this case.
 10. Paragraph 10 of the motion is denied under the facts of this case.

11. Paragraph 11 is admitted as a correct recitation of a portion of 11 U.S.C. § 362(d)(2).
12. Paragraph 12 is admitted to be a correct statement of law.
13. Paragraph 13 is admitted.
14. Respondent accepts paragraph 14 as an accurate statement of law but denies the subject property is not necessary to an effective reorganization.
15. Respondent denies application of the rule stated in paragraph 15 of the motion as Respondent asserts there is equity in the property and that the property is necessary for the reorganization.
16. Paragraph 16 is denied.
17. Paragraph 17 is denied.

WHEREFORE, Respondent moves the requested relief be denied.

Respectfully submitted,

/s/ Paul E. Jennings
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Attorney for Debtor-in-Possession

CERTIFICATE OF SERVICE

I, The undersigned, hereby certify that a true and exact copy of the foregoing Order has been forwarded to Charles M. Walker, Esquire, Office of the United States Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203; Austin McMullen, Esquire, 1600 Division Street, Suite 700, Nashville, TN 37203 and all creditors and parties in interest on the matrix of record, by U. S. Mail, postage prepaid (or otherwise dependably delivered including Electronic Case Noticing) this 11th day of September, 2009.

/s/ Paul E. Jennings
Paul E. Jennings